IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.82 OF 2005

IN

CIVIL REVISION APPLICATION (STAMP) NO.21242 OF 2005

Shri.Dattatray Bhagwant Waghare ...Applicant

Versus

Shri Gorekh Ukhaji Disle & Ors. ...Respondents

.....

Mr.Girish B.Badiger for Applicant.

Mr.Mirajkar i/b Mr.Girish Godbole for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 19, 2006.

P.C.

1. Inspite of service of notice on the Respondents long back, no reply has been filed to oppose this Application. Today, when the Application is taken up for hearing, Counsel for the Respondents prays that sometime be given for filing of reply.

2. It is not possible to accede to this

request. This application for condonation of delay is pending in this Court since September 2005. Notices were issued as back as in November 2005 and the Respondents have been duly served at least in January 2006 as per the affidavit of service filed on record. Indeed, the delay is of 262 days. However, as the reasons stated in the Application have remained uncontroverted which, to my mind, are sufficient cause, the Application deserves to be allowed in the interest of justice in terms of prayer clause (a), on condition that the Applicants will pay cost of Rs.2,500/- (Rupees Two Thousand Five Hundred) to be disbursed between Respondents 1, 4, 6, 8 and 10 within one week from today.

A.M.KHANWILKAR, J.